

Message Text

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ACTION L-03

INFO OCT-01 EUR-12 ISO-00 JUSE-00 SCA-01 /017 W

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P 281742Z APR 76

FM AMEMBASSY ROME

TO SECSTATE WASHDC PRIORITY 7246

UNCLAS ROME 06923

E.O. 11652: N/A

TAGS: PFOR. CPRS, IT

SUBJ: EXTRADITION: JOSEPH LA MATTINA

REF : DEPT'S A-1201, 1493, 1844

1. MINISTRY OF FOREIGN AFFAIRS ADVISED BY PHONE THAT A NOTE VERBALE REQUESTING CERTIFIED ITALIAN TRANSLATION OF SECTION 3150, TITLE 18 USC ON BEHALF OF INVESTIGATING SECTION, COURT OF APPEALS, NAPLES IN CHARGE OF SUBJECT'S EXTRADITION, IS BEING SENT TO THE EMBASSY.

2. PLEASE ADVISE WHETHER EMBASSY SHOULD COMPLY DIRECTLY TO FOREIGN OFFICE'S REQUEST BY SENDING AN EMBASSY'S CERTIFIED COPY OF THE ENGLISH TEXT TOGETHER WITH A CERTIFIED TRANSLATION.

3. FOLLOWING IS THE TEXT OF SECTION 3150, TITLE 18 USC AVAILABLE AT OUR LIBRARY AND THE ITALIAN TRANSLATION THEREOF MADE BY THE EMBASSY.

QUOTE 3150 - PENALTIES FOR FAILURE TO APPEAR. WHOEVER, HAVING BEEN RELEASED PURSUANT TO THIS CHAPTER, WILLFULLY FAILS TO APPEAR BEFORE ANY COURT OR JUDICIAL OFFICER AS REQUIRED, SHALL, SUBJECT TO THE PROVISIONS OF THE FEDERAL RULES OF CRIMINAL PROCEDURE, INCUR A FORFEITURE OF ANY SECURITY WHICH WAS GIVEN OR PLEDGED FOR HIS RELEASE, AND, IN ADDITION, SHALL, (1) IF HE WAS RELEASED IN CONNECTION WITH A CHARGE OF FELONY, OR WHILE AWAITING SENTENCE OR PENDING APPEAL OR CERTIORARI AFTER CONVICTION OF ANY OFFENSE, BE FINED NOT MORE THAN \$5,000 OR IMPRISONED NOT MORE THAN FIVE YEARS, OR BOTH, OR

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(2) IF HE WAS RELEASED IN CONNECTION WITH A CHARGE OF

MISDEMEANOR, BE FINED NOT MORE THAN THE MAXIMUM PROVIDED FOR SUCH MISDEMEANOR OR IMPRISONED FOR NOT MORE THAN ONE YEAR, OR BOTH, OR (3) IF HE WAS RELEASED FOR APPEARANCE AS A MATERIAL WITNESS, SHALL BE FINED NOT MORE THAN \$1,000 OR IMPRISONED FOR NOT MORE THAN ONE YEAR, OR BOTH. END QUOTE.

TRANSLATION:

CHIUNQUE, ESSENDO STATO POSTO IN LIBERTA' IN BASE ALLE NORME DI QUESTO CAPITOLO, VOLONTARIAMENTE MANCA DI PRESENTARSI A QUALSIASI CORTE O AUTORITA' GIUDIZIARIA COME RICHIESTO, INCORRERA', A NORMA DELLE DISPOSIZIONI DEL CODICE DI PROCEDURA PENALE FEDERALE, ALLA PERDITA PER CONFISCA DI QUALSIASI CAUZIONE DATA O GARANTITA PER LA SUA LIBERTA' E, IN AGGIUNTA, SARA', (1) SE RILASCIATO IN DIPENDENZA DI INCRIMINAZIONE PER REATI GRAVI, O IN ATTESA DI SENTENZA O DI APPELLO O DI RIMESSIONE AD ALTRA CORTE DOPO CONDANNA PER QUALSIASI OFFESA, MULTATO PER NON PIU' DI \$5,000 O IMPRIGONATO PER NON PIU' DI CINQUE ANNI, O AMBEDUE, O (2) SE RILASCIATO IN LIBERTA' IN RELAZIONE AD UNA IMPUTAZIONE PER REATI MINORI SARA' MULTATO PER NON PIU' DEL MASSIMO PREVISTO PER TALI REATI O IMPRIGONATO PER NON PIU' DI UN ANNO, O AMBEDUE, O (3) SE RILASCIATO PER COMPARIRE COME TESTE PRINCIPALE, SARA' MULTATO PER NON PIU' DI \$1,000 O IMPRIGONATO PER NON PIU' DI UN ANNO, O AMBEDUE. VOLPE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: EXTRADITION, DOCUMENTS, TEXT, STANDARDS, LAW
Control Number: n/a
Copy: SINGLE
Draft Date: 28 APR 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976ROME06923
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760161-0842
From: ROME
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760411/aaaaaiuw.tel
Line Count: 86
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION L
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: ellisoob
Review Comment: n/a
Review Content Flags:
Review Date: 03 SEP 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <03 SEP 2004 by cookms>; APPROVED <07 SEP 2004 by ellisoob>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: EXTRADITION: JOSEPH LA MATTINA
TAGS: PFOR, CPRS, IT, US, (LA MATTINA, JOSEPH)
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006